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Letter dated 3 January 2006 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to transmit the attached press release issued by the Ministry of Foreign Affairs of the State of Eritrea on 2 January 2006 regarding the peace process on the Eritrea-Ethiopia border conflict (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

06-20073 (E) 050106

Annex to the letter dated 3 January 2006 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

PRESS RELEASE

Enduring Peace is Predicated on Expeditious Demarcation

For almost four years now, the Ethiopian regime has flouted international law to occupy sovereign territories of a UN member State in violation of the UN Charter and the Algiers Peace Agreement. The fact is Ethiopia continues to reject the Award of the Eritrea Ethiopia Boundary Commission (EEBC) through alternating and deceitful pretexts of "acceptance in principle", the occurrence of parallel "dialogue" and other subterfuges.

As it will be recalled, the Claims Commission ("EECC") has recently announced its fourth substantive decision. The Claims Commission is the second body tasked by the Algiers Agreement with determining compensation for violations of international humanitarian law by either party during the 1998-2000 border war. Over the past few years, the Claims Commission has found Ethiopia's army and security forces liable for ethnic cleansing of Eritreans and Ethiopians of Eritrean descent; looting and burning Eritrean villages to the ground; rape and abduction of Eritrean civilians; detonation of Eritrean hospitals and other civilian infrastructure; widespread malicious slaughter of livestock; detonation of archeological monuments; ransacking of the Eritrean Embassy Residence in Addis Ababa; desecration and destruction of Eritrean veteran cemeteries; and psychological torture of Eritrean POWs.

The Claims Commission has also resolved in this fourth Award to hold Eritrea liable for the events of 12 May 1998. Eritrea presented substantial evidence to the contrary, arguing in its written and oral pleadings that Ethiopia's aggression in July 1997 and 6-12 May 1998 – which resulted in substantial loss of Eritrean life – were the proximate cause of the war's beginning. Despite its strong disagreement with the Commission's conclusion, Eritrea remains committed to honoring the Award, on the

grounds of respect for international arbitral decisions and the international rule of law.

The Claims Commission has said that it will determine in a second damages phase what remedy, if any, is appropriate in light of this new Award. It has already intimated that compensation must be restrictively determined, in light of the fact that after the first few days of the war, Ethiopia was equally responsible for its continuation. It must be noted that the Claims Commission has not requested the Security Council to involve itself in enforcing this or its other Awards. Indeed, there is no reason that it should, unless one of the parties ceases to respect them.

As we have underscored all along, where the Security Council has failed to exercise its moral and legal responsibilities is in regard to Ethiopia's rejection of the final and binding Award of the Boundary Commission. This inexcusable abdication of responsibility only condones the violation of the rule of law while eroding the integrity of arbitration processes. It will not, certainly, promote the maintenance of regional peace and security, which is the central mandate of the Security Council, but potentially sow the seeds of tension and instability in our region.

Ministry of Foreign Affairs
Asmera,
2 January 2006